

REMARKS/ARGUMENTS

Applicant acknowledges receipt of the Office Action dated June 28, 2006, in which the Examiner accepted the previously submitted Affidavit; asserted that the limitation of “running independent/separate operating systems” is not claimed in claims 1, 20 and 54; entered a rejection of claim 37 and its dependent claims under 35 U.S.C. § 101; rejected claims 1-36 and 54-61 as anticipated by Wesinger (US 20010011304); and rejected claims 37-53 and 62-64 as obvious over the combination of Wesinger with Alaiwan (US 5357612).

Applicant thanks the Examiner for the thoroughness of the latest Office Action.

Applicant has amended the claims and respectfully submits that the case is now in condition for allowance for the reasons set out below.

Status of the Claims

Claims 1-64 are pending. All claims are rejected. Independent claims 1, 20, 37, and 54 have been amended.

Limitation of “running independent/separate operating systems”

Claims 1, 20, 37, and 54 have each been amended to require that each virtual machine has a separate operating system running thereon. This further clarifies and recites the nature of the virtual machines that have been the focus of Applicant’s arguments to date. Applicant would respectfully point out that the present amendment is not necessary in order to distinguish the case over Wesinger, as the requirement that each virtual machine have “an operating system” suffices for that purpose. Nonetheless, Applicant hopes that the inclusion of “a separate operating system” for each virtual machine will address the concerns raised by the Examiner.

Rejection of claim 37 and its dependent claims under 35 U.S.C. § 101

Applicant submits that the recitation of providing respective computer services to the respective customers renders this rejection moot.

Rejection of claims 1-36 and 54-61 as anticipated by Wesinger (US 20010011304)

In support of the rejection of claims 1-36 and 54-61, the Examiner asserts that Wesinger’s teaching of a “virtual host” anticipates the “at least one virtual machine for each of said customers”

that is presently claimed. In response, Applicant respectfully reiterates the arguments submitted previously. Specifically, that the “virtual web servers” taught by Wesinger do not run separate operating systems and are therefore not actually “virtual machines” as that term is used in the present application. Although the virtual web servers of Wesinger run side-by-side within the real machine, they do not run separate operating systems. In contrast, the present claims require that each virtual machine have “a separate operating system running thereon.” Because Wesinger does not disclose multiple virtual machines, each running a separate operating system, Wesinger does not anticipate the present claims. Applicant therefore requests that this rejection be withdrawn.

Rejection of claims 37-53 and 62-64 as obvious over the combination of Wesinger with Alaiwan (US 5357612)

In support of the rejection of claims 37-53 and 62-64, the Examiner asserts that Wesinger’s teaching of a “virtual host” anticipates the “operating plural virtual machines on the real computer, each of said plural virtual machines having a specification specified by and configurable by a respective one of the customers in accordance with a computer service to be provided by the virtual machine on behalf of that customer” as is presently claimed. In response, Applicant respectfully again reiterates the arguments submitted previously. Specifically, that the “virtual web servers” taught by Wesinger do not run separate operating systems and are therefore not actually “virtual machines” as that term is used in the present application. Although the virtual web servers of Wesinger run side-by-side within the real machine, they do not run separate operating systems. In contrast, claim 37 requires that each virtual machine have “a separate operating system running thereon.” Because Wesinger does not disclose multiple virtual machines, each running a separate operating system, Wesinger does not anticipate the present claims.

The Examiner further asserts that Alaiwan (US5,357,612) “discloses plurality of operating systems/processors each run their own operating system independently inside one real computer.” In response, Applicant respectfully points out that Alaiwan discloses “a multiprocessor structure wherein a plurality of processing units are connected to a memory by buses” (col. 3, lines 19 to 21). Alaiwan further discloses that the individual processors (9) all run their own operating systems (col. 3, lines 34 to 36). Applicant respectfully points out that the processors (9) of Alaiwan are **real** processors which operate in a multiprocessor environment and that Alaiwan does not discuss or relate to virtual machines or virtual machine technology at all. In this respect,

Alaiwan offers no useful teaching to a person skilled in the art wanting to implement virtual machine technology. Thus, the combination of Alaiwan with Wesinger, even if it were suggested does not produce the claimed invention.

Furthermore, Applicant respectfully makes the point again that the invention as claimed in the present independent claims is not distinguished from Wesinger merely by the requirement of the present independent claims that "each virtual machine have a separate operating system running thereon." On the contrary, the invention of the present independent claims is distinguished from Wesinger by the requirement of using virtual machines on a real computer to provide computer services to plural customers in which each virtual machine for each of the customers has a specification specified by and configurable by the respective customer. The recitation in each independent claim of the present application to each virtual machine having a "separate operating system" running thereon merely serves to clarify that in the present invention, virtual machines proper are being used, bearing in mind that a proper virtual machine has its own, separate operating system running thereon.

For all of these reasons, Applicant therefore requests that this rejection of claims 37-53 and 62-64 be withdrawn.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance. If the Examiner has any questions or comments, or otherwise feels it would be advantageous, she is encouraged to telephone the undersigned at (713) 238-8043.

Respectfully submitted,



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